

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 3:97-cr-00006-NBB

MAURICE CLIFTON

**GOVERNMENT’S RESPONSE TO DEFENDANT MAURICE CLIFTON’S
MOTION TO CORRECT CERTAIN ERRORS IN THE RECORD OF THE CASE
PURSUANT TO RULE 36 FRCrP**

The government hereby responds to defendant Maurice Clifton’s Motion to correct certain errors in the record in the case (Doc. 90). Clifton alleges that the erroneous listing of his U.S. Bureau of Prison’s (“BOP”) register number has caused him problems within the Bureau of Prisons; that the Court erroneously held him accountable for nearly 55 kilograms of cocaine; and that the Presentence Investigation Report (“PSR”) erroneously listed charges for crimes he was arrested, but not convicted.

Rule 36, FRCrP, provides that a “court may at any time correct a clerical error in a judgment, order, or other part of the record.”

The government has no objection to amending the Presentence Report and any other document in the record that refers to Clifton by an erroneous BOP registration number.

The government respectfully opposes the second and third requests as not being “clerical errors” under Rule 36.

The second request, changing the amount or weight of drugs for which Clifton was held accountable and sentenced for under the U.S. Sentencing Guidelines, deals with a substantive challenge to the sentence for which Rule 36 is ill-suited. Clifton objected to the sentencing calculation and the Court apparently overruled his objection (See, PSR, Addendum). Clifton’s attempt to invoke the rule of lenity shows that he is not attempting to

have a mere clerical error such as a number or date corrected; rather he is attempting to relitigate the weight of drugs he was sentenced for distributing.

The third request, asking that two criminal arrests be removed from the PSR, also is not a clerical error, but an attempt to delete his history from the record. This issue was also litigated and the Court apparently overruled this objection to the PSR (See, PSR, Addendum).

Again, the government does not object to the deletion of the incorrect BOP register number from the PSR, but does object to Clifton's other requested deletions from the record of the case.

Respectfully submitted,

ROBERT H. NORMAN
Acting United States Attorney
Mississippi Bar No. 3880

By: s/Paul D. Roberts
PAUL D. ROBERTS, MSB # 5592
Assistant United States Attorney
900 Jefferson Avenue
Oxford, MS 38655
paul.roberts@usdoj.gov
662.234.3351

CERTIFICATE OF SERVICE

I, PAUL D. ROBERTS, Assistant United States Attorney for the Northern District of Mississippi, hereby certify that I electronically filed the foregoing Government's Response to Defendant Maurice Clifton's Motion to Correct Certain Errors in the Record of the Case Pursuant to Rule 36 FRCrP with the Clerk of the Court using the ECF system which sent notification of such filing to:

None.

and I hereby certify that I have mailed via United States Postal Service the document to the following non-ECF participants:

Maurice Clifton
FCC Forrest City – Low
Post Office Box 9000
Forrest City, AR 72336
Pro se

This the 3rd day of November, 2017.

s/ Paul D. Roberts

PAUL D. ROBERTS
Assistant United States Attorney